

EXHIBIT M

DATE: September 28, 2003.
TIME: 4:27 a.m.
PLACE: Area B2, Detective Room.
PARTICIPANTS:

Detective O'Brien
Officer Steve Canto
Sergeant Gerard Bailey
Officer John Harbor
Cicely Langferd

DET. O'BRIEN: -- a Miranda form. My name is Detective O'Brien and Officer John Harbor and Sergeant Gerard Bailey. We're in Area B2 Detective Room. It's 4:27 a.m. on September 28th.

Before we ask you any questions, some of the questions may come from me. They may have a question for you also, all right?

You must understand your rights. You have the right to remain silent. Anything you say can be used against you in a court of law or other proceedings.

You have a right to talk to a lawyer for advice before we ask you any questions and to have him or her with you during that questioning. If you cannot afford a lawyer and you want one, a lawyer will be provided for you by the Commonwealth

without cost to you.

If you decide to answer questions now without a lawyer present you will still have the right to stop answering at any time until you talk to a lawyer. In other words you could start talking to me now and in five-minutes from now you decided you don't want to talk you can just end it anytime you want.

So I'm just going to write I, Cicely Langferd, right here I'm just going to write your name in for you, have read and understand the above rights.

I'm going to let you read them and after you read each right just put your initials there.

Explained to me by Detective O'Brien and that's my name. And then I'm going to have you sign them and initial them.

I want you to look here. I'm going to give you the pen, and read each right here. You have the right to remain, silent. If you understand, that place your initials after each one. And if you have any questions about any right, feel free to ask any of us here and we'll explain it to you. Just sign your name right here.

Now I understand tonight - I understand tonight that you were at a birthday party. Were you

drinking?

MS. LANGFERD: Yeah. I had two drinks.

DET. O'BRIEN: Okay. I'm only asking that right now you had two drinks is that I'm going to be asking you some questions. If the alcohol that you took in is not going to affect your ability to answer my questions?

MS. LANGFERD: No.

DET. O'BRIEN: All right. No. Well, some people two beers can be too much. All right, tonight you were going to a birthday party. Do you know whose birthday party it was?

MS. LANGFERD: Tanya's.

DET. O'BRIEN: Tanya's? You have to speak clearly.

MS. LANGFERD: I'm sorry, Tanya.

DET. O'BRIEN: All right, it was Tanya's birthday party and how did you get to Tanya's birthday party?

MS. LANGFERD: Um, Earl called me and asked me did I want to come out and I said sure, where - where do you want to go? And he said well Tanya's having a birthday party. And I said where? And he said at Flanagan's. And I said oh, okay. Well, sure I don't mind. Just give me a little time to get dressed -

DET. O'BRIEN: Okay.

MS. LANGFERD: - and I'll come out.

DET. O'BRIEN: All right, and did Earl come to your house to pick you up?

MS. LANGFERD: Yeah. Yeah.

DET. O'BRIEN: And what car was he driving if any?

MS. LANGFERD: I wanted to go in my car but he was driving his car.

DET. O'BRIEN: It's his car that he drove?

MS. LANGFERD: Yeah.

DET. O'BRIEN: All right, what color is that car?

MS. LANGFERD: Silver.

DET. O'BRIEN: Silver? Two-door, four-door?

MS. LANGFERD: Four.

DET. O'BRIEN: Four-door. When he comes to pick you up what time is that?

MS. LANGFERD: Um, uh exactly, I think it was oh my God -- I don't know the exact time.

DET. O'BRIEN: You don't have to be exact.

MS. LANGFERD: Like 11:00.

DET. O'BRIEN: Like 11:00?

MS. LANGFERD: It looks like a little after 11:30.

DET. O'BRIEN: A little after 11:30 -

MS. LANGFERD: Yeah.

DET. O'BRIEN: - Earl pulls up to your house?

MS. LANGFERD: Yes.

DET. O'BRIEN: And he picks you up?

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: Who else was in the car at this time?

MS. LANGFERD: Anthony.

DET. O'BRIEN: Anthony. And where was Anthony seated when he picked you up?

MS. LANGFERD: Well, he actually, Anthony knocked at my door.

DET. O'BRIEN: Anthony, come up and knocked at your door?

MS. LANGFERD: Yeah.

DET. O'BRIEN: Was he Potsy, do you know her as Potsy? The other fe - you were walking the other female?

MS. LANGFERD: I met her on the way there going to pick her up.

DET. O'BRIEN: All right, was she - she wasn't in the car?

MS. LANGFERD: No. She wasn't in the car when we first met.

DET. O'BRIEN: All right so they pick you up and where did you sit in the car?

MS. LANGFERD: I sat in the front seat.

DET. O'BRIEN: All right, so you sit in the front and then you go to pick up Andrea.

MS. LANGFERD: Yeah. We had to go pick up Andrea.

DET. O'BRIEN: And where did she sit?

MS. LANGFERD: She sat in the back seat.

DET. O'BRIEN: She sat in the back seat?

MS. LANGFERD: Uh-huh.

DET. O'BRIEN: And behind the driver or behind you?

MS. LANGFERD: She sat -- actually she sat in the middle because when they came to pick us up Ty - Tyson was in the car.

DET. O'BRIEN: Who was?

MS. LANGFERD: I mean, sorry. Ty - I think because I just met. Listen I just met him and her and the other guy I forget his name, Tyrone, Tyson, I don't know. He was - he was there when um, also when they picked me up. But his car konked out so he got in the car with us when they picked up me at my house.

DET. O'BRIEN: So besides Anthony -

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: Who knocked at your door and Earl -

MS. LANGFERD: Yeah.

DET. O'BRIEN: There's another man in the car?

MS. LANGFERD: He was outside. He actually followed - he must have followed Earl but his car konked out so he got in the car with us.

DET. O'BRIEN: Did he go to - did he go to Flanagan's?

MS. LANGFERD: Yeah. He was at Flanagan's with us.

DET. O'BRIEN: Now and did - Earl drove him to Flanagan's?

MS. LANGFERD: Yeah. Because he actually -- yeah, because he was in the car with us. He either -

DET. O'BRIEN: And where's he sitting in the car?

MS. LANGFERD: He sat in the back seat also because he was with Earl.

DET. O'BRIEN: What's his name?

MS. LANGFERD: I think his name was Tyson or Tyrone. I forget. I just met him so (unintelligible).

DET. O'BRIEN: All right, now all right. So at some point there's Earl and you in the front seat? Anthony

MS. LANGFERD: And -

DET. O'BRIEN: - Tyrone and that other girl in the back seat?

MS. LANGFERD: Yeah.

DET. O'BRIEN: All right so how long did you stay at Flanagan's?

MS. LANGFERD: It must have be - we must have got there like maybe like 12:20/12:30. We stayed there for about an hour and forty-five minutes, an hour and a half.

DET. O'BRIEN: So you stayed there for an hour and forty-five minutes?

MS. LANGFERD: Yeah.

DET. O'BRIEN: And then you leave?

MS. LANGFERD: Yeah.

DET. O'BRIEN: Now where's - as far as I know from this from talking to the officers here and everything, there's four people in the car. Where did the fifth person go?

MS. LANGFERD: He must have stayed. He stayed because we left, me Anthony and Earl and the other female.

DET. O'BRIEN: So he did not - he did not get in the car?

MS. LANGFERD: He didn't leave with us, no. He was getting a ride with somebody else. He didn't -

DET. O'BRIEN: So he was with somebody else then?

MS. LANGFERD: When we got to the club he was, yeah.

DET. O'BRIEN: But he - Earl drove him to the club?

MS. LANGFERD: Yes.

DET. O'BRIEN: Okay. Now when you got to the club, where did Earl park? Did he park on the - in front of Flanagan's or was it down the street?

MS. LANGFERD: He parked a little bit up from Flanagan's. Maybe like by the um, a little by Mission -

DET. O'BRIEN: Okay.

MS. LANGFERD: - across the street there.

DET. O'BRIEN: Across the street?

MS. LANGFERD: Yeah.

DET. O'BRIEN: And was the car facing Flanagan's down the street?

MS. LANGFERD: Yeah. It was facing this way.

DET. O'BRIEN: It was facing toward Flanagan's?

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: All right so all five of you now get out, is that what you're saying and you go across the street -

MS. LANGFERD: Yeah.

DET. O'BRIEN: - to Flanagan's?

MS. LANGFERD: Mm-hm. And we got there. Mm-hm.

DET. O'BRIEN: And you stayed there for about an hour and forty-five minutes.

MS. LANGFERD: An hour and forty-five minutes.

DET. O'BRIEN: Okay. Did you ever see a firearm in the car?

MS. LANGFERD: No, I haven't.

DET. O'BRIEN: Did anybody, mention about a firearm in the car?

MS. LANGFERD: No, they didn't.

DET. O'BRIEN: You never saw Earl with a firearm?

MS. LANGFERD: I never saw Earl with anything.

DET. O'BRIEN: And there was marijuana recovered in the car. Did you smell it?

MS. LANGFERD: I didn't smell anything. I didn't know anything about no marijuana.

DET. O'BRIEN: All right, now if you smoked marijuana we're not going to charge you. I just want to let -

MS. LANGFERD: Okay.

DET. O'BRIEN: Was - you weren't - nobody was smoking any marijuana, not even in the -

MS. LANGFERD: Not in the car.

DET. O'BRIEN: - not even Tyrone, you said?

MS. LANGFERD: He couldn't - Tyrone inside, I don't know his name but yeah.

DET. O'BRIEN: Where did they pick up Tyrone? Was he -

MS. LANGFERD: He was with - when Earl came and get me, I mean Anthony -

DET. O'BRIEN: He was following?

MS. LANGFERD: He was following. His car konked out. So he got in the car with us.

DET. O'BRIEN: So his - so his car should be in front of your house?

MS. LANGFERD: Yeah.

DET. O'BRIEN: What type of car is it?

MS. LANGFERD: Um, it was a white-car. I don't know my cars good but it was a white-car.

DET. O'BRIEN: It was a white-car?

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: Four-door or two-door?

MS. LANGFERD: I believe it was four-door.

DET. O'BRIEN: So if we go by 876 Cummings Highway, it's right in front of your house?

MS. LANGFERD: I should be there yeah, because it konked out. He said something went wrong with it.

DET. O'BRIEN: It's dead?

MS. LANGFERD: Yeah.

DET. O'BRIEN: All right, I just wanted to make sure. All right. Now you're in the club and you and Earl leave and Anthony -

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: - and Andrea, who you don't really know, you're all leaving. When you leave the front door at Flanagan's the car was parked across the street, so you have to cross the street -

MS. LANGFERD: Yeah.

DET. O'BRIEN: - to walk on the opposite side of Huntington Ave?

MS. LANGFERD: Yes.

DET. O'BRIEN: And then you walk away from Flanagan's, what towards Brigham, towards the hospital area?

MS. LANGFERD: Yes. Mm-hm.

DET. O'BRIEN: And you get in the car?

MS. LANGFERD: Yeah.

DET. O'BRIEN: Now, where was you sitting now?

MS. LANGFERD: In the back seat.

DET. O'BRIEN: That's how we find out if you're telling the truth. Now you're sitting in the back seat?

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: And Andrea's in the front seat?

MS. LANGFERD: Yes, she is.

DET. O'BRIEN: And is the driver still Earl?

MS. LANGFERD: Yes, it is.

DET. O'BRIEN: Okay. And Anthony is now?

MS. LANGFERD: In the back seat.

DET. O'BRIEN: Behind Earl?

MS. LANGFERD: Yes.

DET. O'BRIEN: Okay. He starts up the car, how long did it take from the time that you all get in the car for the police to pull you over? I mean, was it quick? A long time?

MS. LANGFERD: Oh, it was like - it was like two or three minutes after we pulled off because um -

DET. O'BRIEN: So very quickly they -

MS. LANGFERD: Yeah.

DET. O'BRIEN: - you get pulled over?

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: Now you tell me the car - you got pulled over -
where did they get pulled over on Tremont Street?

OFF. CANTO: Yeah.

DET. O'BRIEN: You got pulled over on Tremont? You know where
the - the area at all?

MS. LANGFERD: Mm-hm. Yeah. I work in that area.

DET. O'BRIEN: Okay. Where do you work?

MS. LANGFERD: Brigham and Women's Hospital.

DET. O'BRIEN: All right, so you get pulled - so much - so
what, did Anthony make a u-turn, uh Earl?

MS. LANGFERD: Yeah, u-turn.

DET. O'BRIEN: He made a u-turn to go towards Tremont Street?
You get in the car?

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: You're facing Flanagan's?

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: And now you're telling me you're getting pulled
over on Tremont Street -

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: - the other way towards Brigham Circle?

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: So how did Anth - how did Earl, I'm sorry for
saying Anthony, Anthony was in the back seat.
Earl, what did Earl do? Did he -

MS. LANGFERD: He - we pulled off and he turned.

DET. O'BRIEN: He made a u-turn on Huntington Ave?

MS. LANGFERD: Yeah, he turned. Yeah.

DET. O'BRIEN: All right so he gets out and he rever - or he reverses direction on Huntington Ave?

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: And then he takes a right onto Tremont?

MS. LANGFERD: A right, yes.

DET. O'BRIEN: And how far down do you go on Tremont?

MS. LANGFERD: Um, oh we got a little bit like, I think it was a pizza shop right there.

DET. O'BRIEN: A pizza shop?

MS. LANGFERD: Some kind of pizza shop, yes.

DET. O'BRIEN: Okay. And you get pulled over?

MS. LANGFERD: Yes.

DET. O'BRIEN: And then what happened?

MS. LANGFERD: A officer came up and was like license and registration. He was asking everybody if they had their seat belt on. I had, mine's on.

DET. O'BRIEN: Did anybody else, have, their seat belts on?

MS. LANGFERD: No.

DET. O'BRIEN: No. Good for you that you had yours on. And at some point everybody's outside the car?

MS. LANGFERD: At some point, yeah.

DET. O'BRIEN: Okay. Did you ever see the police recover the firearm or you just heard it?

MS. LANGFERD: No, I didn't. Because at that, when they told us to get out they told us to mover over, move up in

front of the vehicle.

DET. O'BRIEN: Okay. All right. I'm just going to wrap it up now. So you never seen the firearm recovered?

MS. LANGFERD: I never seen the firearm recovered.

DET. O'BRIEN: Okay. So when they process this weapon that they say that they recovered, your fingerprints will not be on it?

MS. LANGFERD: Not at all.

DET. O'BRIEN: Because now you - the marijuana that we recovered you didn't smoke any and you don't know anything about marijuana in the car?

MS. LANGFERD: I didn't know nothing about it in the car. I didn't know we even had it, anything in the car.

DET. O'BRIEN: Okay. And it's fair to say, how much did you have to drink inside of there?

MS. LANGFERD: I had two drinks.

DET. O'BRIEN: Two drinks?

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: All right, so you leave - you all decide to leave together?

MS. LANGFERD: Yeah.

DET. O'BRIEN: Minus this guy Tyrone that you don't know?

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: He stays there. He'll get home by somebody else?

MS. LANGFERD: Yeah.

DET. O'BRIEN: You walk out the door. You go across the other

side to Huntington Ave -

MS. LANGFERD: Right.

DET. O'BRIEN: - where Mission Park is?

MS. LANGFERD: Mm-hm.

DET. O'BRIEN: And now you're walking down towards Brigham Circle
where you work?

MS. LANGFERD: Right.

DET. O'BRIEN: That's a little way down?

MS. LANGFERD: Yeah.

DET. O'BRIEN: And his car is still there?

MS. LANGFERD: Yeah.

DET. O'BRIEN: Facing towards Flanagan's?

MS. LANGFERD: Yes, it is.

DET. O'BRIEN: You all get in. Now you're sitting in a different
position -

MS. LANGFERD: Yeah.

DET. O'BRIEN: - at some point. And at some point you are now
- he pulls out of that parking spot and he is
going away from Flanagan's?

MS. LANGFERD: Yes, he is.

DET. O'BRIEN: Towards Brigham Circle?

MS. LANGFERD: Mm-hm, yeah.

DET. O'BRIEN: And at some point he takes a -

MS. LANGFERD: A right at the lights.

DET. O'BRIEN: - a right at the lights?

MS. LANGFERD: Yeah. Going down Tremont.

DET. O'BRIEN: And you get pulled over?

MS. LANGFERD: Yeah.

DET. O'BRIEN: Okay. Any questions?

SGT. BAILEY: Cicely, you don't own a firearm, right?

MS. LANGFERD: No, I don't.

SGT. BAILEY: Do you have a license to carry a firearm?

MS. LANGFERD: No.

SGT. BAILEY: You don't?

MS. LANGFERD: (No response.)

SGT. BAILEY: You don't own one? You didn't see one inside?

MS. LANGFERD: No, I didn't.

SGT. BAILEY: Okay.

DET. O'BRIEN: And nobody talked about a firearm?

MS. LANGFERD: Nobody talked about one.

DET. O'BRIEN: Okay. And how long have, you known Earl?

MS. LANGFERD: Um, I've been knowing Earl for years. We are going with each other.

DET. O'BRIEN: All right and you know Anthony too?

MS. LANGFERD: Yeah.

DET. O'BRIEN: And Tyrone or whatever, you don't know who his - really about him? You don't -

MS. LANGFERD: No, I don't. I just met him.

DET. O'BRIEN: You don't know where he's from?

MS. LANGFERD: That's how I met him.

DET. O'BRIEN: And the other girl, how long have you known her?

MS. LANGFERD: I just met her tonight too.

DET. O'BRIEN: Just met her now?

Okay. Well that's going to conclude the interview and thank you for talking to us, and I believe that Sergeant Bailey is outside.

We thank you for with Detective O'Brien and be careful, all right.

That concludes the interview. It's 4:39 a.m. on September 28. Thank you again.

MS. LANGFERD: Thank you.

(Whereupon, the interview was concluded.)